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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)
YAMAP0880US

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on **October 4, 2007**

Signature **/Mark D. Saralino/**

Typed or printed name **Mark D. Saralino**

Application Number	Filed
10/615,816	**July 9, 2003**

First Named Inventor
Graham R. Jones, et al.

Art Unit	Examiner
2621	**Allen C. Wong**

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☑ attorney or agent of record. Registration number **34,243**.
- ☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

/Mark D. Saralino/
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Typed or printed name

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Telephone number

October 4, 2007
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

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Application No.: 10/615,816

Case No: YAMAP0880US **PATENT**

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/Mark D. Saralino/ **October 4, 2007**
Mark D. Saralino Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Graham R. JONES et al.

Application No.: 10/615,816

Filing Date: July 9, 2003

For: AUTOSTEREOSCOPIC DISPLAY

Examiner: Allen C. Wong

Art Unit: 2621

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR PANEL REVIEW

Sir:

This Pre-Appeal Brief Request for Panel Review is being filed together with a Notice of Appeal.

REMARKS

Claims 1-47 are pending in the application. Applicants respectfully submit that there is a clear deficiency in the *prima facie* case in support of the outstanding rejection. Applicants respectfully request review by the Panel.

I. WOODGATE ET AL. DOES NOT TEACH A TRANSFLECTIVE SPATIAL LIGHT MODULATOR

Claims 1-47 stand rejected under 35 USC §102(b) based on *Woodgate et al.*

Prosecution of the present application has centered on the issue of whether *Woodgate et al.* teaches a *transflective* spatial light modulator. Applicants have pointed out that *Woodgate et al.* does not teach a *transflective* spatial light modulator as recited in claims 1 and 24. Rather, *Woodgate et al.* teaches a *transmissive* spatial light modulator.

The Examiner has responded to the applicants' arguments by maintaining the position that *Woodgate et al.* teaches a transflective spatial light modulator, and thus satisfies the element of the claims. Applicants respectfully submit that such assertion is in error and represents a clear deficiency in the basis for the rejection.

a. Reflective, Transmissive and Transflective are Well Known in the Art

Those having ordinary skill in the art are readily familiar with reflective, transmissive, and transflective type displays and the differences therebetween. For example, U.S. Patent No. 6,281,952, issued in August 2001, describes the basic principles of operation for each of these types of displays.

> On the other hand, liquid crystal displays have been put into practical use as color displays which display characters and/or images not by emitting the display light, but by adjusting an amount of transmitted light from a particular light source. These liquid crystal displays include a *transmission* type and a *reflection* type. Of the two types, particularly popular are the liquid crystal displays of the *transmission* type which employ a light source called "back light" at the back side, namely, behind the liquid crystal cell.
>
> ***
>
> ... [I]t becomes too difficult to observe the display light on the color liquid crystal displays of the *transmission* type when they are used under the circumstances where the ambient light is very strong and the display light is relatively weak. This problem can be eliminated by using brighter back light, but this solution raises another problem that the power consumption is further increased.

***

... [L]iquid crystal displays of the ***reflection*** type do not use the back light for the display, and therefore, have another advantage that the power for keeping the back light turned ON can be saved. For the above reasons, the liquid crystal displays of the reflection type are particularly suitable as the devices for the outdoor use, such as portable information terminals, digital cameras, and portable video cameras.

However, since these conventional liquid crystal displays of the ***reflection*** type use the ambient light for the display, the display luminance largely depends on the surrounding environment, and when used under the circumstances where the ambient light is weak, there arises a problem that the display content can not be observed.

***

On the other hand, liquid crystal displays, employing a ***transflective*** film which transmits a part of incident light and reflects the rest, have been put into practical use as the liquid crystal displays which can be used under the circumstances where the ambient light is weak while maintaining the advantages of the liquid crystal displays of the reflection type. *The liquid crystal displays using both the transmitted light and reflected light* are generally referred to as the liquid crystal displays of the ***transflective*** type. (Emphasis Added).

In view of the above, as well as from countless other references available, it is clear that reflective, transmissive and transflective type displays or spatial light modulators are well recognized as three different types of devices. Each of these types has their own respective principles of operation.

b. *Woodgate et al. Does Not Teach a Transflective Spatial Light Modulator*

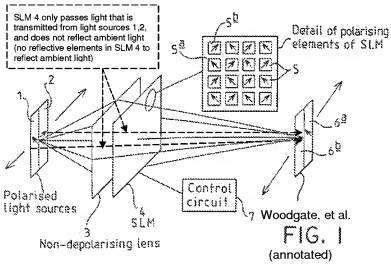


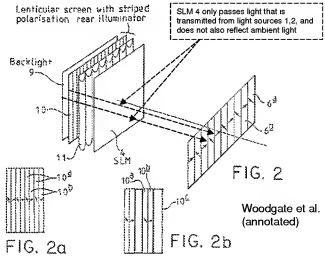
FIG. 1
(annotated)

As illustrated in the marked up version of Fig. 1 shown above, *Woodgate et al.* does not teach or suggest a *transflective* display. Rather, *Woodgate et al.* teaches

a *transmissive* type display. This is clear from the specification in *Woodgate et al.*, to wit:

> *i) The display device illustrated in FIG.1 comprises an illumination system in the form of a pair of light sources 1,2 arranged to emit plane polarized light...The emitted light is incident upon an optical system comprising a lens 3 arranged to image the light so as to produce an image of the first light source 1 at a first viewing zone 6a and an image of the second light source 2 at a second view zone 6b... (Col. 3, lns. 54-65 of Woodgate et al.);*
>
> *ii) The light transmitted by the lens 3 is [incident] upon a spatial light modulator (SLM) 4 in the form of a liquid crystal device comprising a plurality of liquid crystal picture elements... (Col. 3, ln. 66 to Col. 4, ln. 4); and*
>
> *iii) The SLM further comprises an array of polarization adjusting means 5 each of which is adjacent and aligned with a respective picture element of the SLM 4. The polarization adjusting means are of two types, one type 5a being substantially transparent to light of the polarization of the first light source and substantially opaque to light from the second light source, and the other type 5b being substantially transparent to light from the second light source 2 but substantially opaque to light from the first light source... (Col. 4, lns. 5-13).*

In other words, *Woodgate et al.* represents a conventional transmissive SLM 4 in combination with various other optical elements. There are no reflective structures or layers to provide both transmissive and reflective based operation. Simply stated, *Woodgate et al.* does not teach or suggest a transflective type SLM, or such a transflective type SLM in combination with other optical elements in the manner recited in present claims 1-47.



As further explanation, Fig. 2 of *Woodgate et al.* (reproduced above) illustrates that:

> *iv) The device illustrated in Fig. 2 differs from that illustrated in Fig. 1 in that light sources 1,2 and the lens 3 are replaced by an illumination system, which comprises a single extended light source or 'backlight' 9 and a polarizing panel 10... (Col. 4, lns. 54-62 of Woodgate et al.).*
>
> *v) The SLM 4 is ... arranged to modulate the incident light to form the desired image.... Half of the polarization adjusting elements transmit light of the first polarization while substantially preventing transmission of the light of the second polarization whereas the other half of the polarization adjusting elements transmit light of the second polarization while substantially preventing transmission of light of the first polarization... (Col. 5, lns. 6-22).*

In view of the aforementioned disclosures i) - iv) of *Woodgate et al.*, and as noted in the marked-up versions of Figs. 1 and 2 of *Woodgate et al.*, applicants respectfully submit that a person having ordinary skill in the art would appreciate that SLM 4 of *Woodgate et al.* is strictly a transmissive device, and is not a *transflective* device in which the SLM 4 also reflects ambient light.

The other figures and embodiments of *Woodgate et al.* similarly illustrate that *Woodgate et al.* does not teach or suggest a transflective SLM as recited in claims 1 and 24. Accordingly, applicants respectfully submit that the Examiner mischaracterizes Woodgate et al. as teaching a transflective SLM in accordance with conventional usage of the term.

II. CONCLUSION

Accordingly, all claims 1-47 are believed to be allowable and the application is believed to be in condition for allowance. Reversal of the rejection is respectfully requested.

Respectfully submitted,
RENNER, OTTO, BOISSELLE & SKLAR, LLP

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DATE: October 4, 2007

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